

ESTTA Tracking number: **ESTTA178833**Filing date: **12/05/2007**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Inkslingers, Inc.
Granted to Date of previous extension	12/05/2007
Address	22211 Gratiot Eastpointe, MI 48021 UNITED STATES

Correspondence information	Inkslingers, Inc. 50080 Card Road Macomb Township, MI 48044 UNITED STATES inkventer@aol.com
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Applicant Information

Application No	78908342	Publication date	08/07/2007
Opposition Filing Date	12/05/2007	Opposition Period Ends	12/05/2007
Applicant	Blue Moe Apparel Inc. 241 West 37th Street, Suite 730 New York, NY 10018 UNITED STATES		

Goods/Services Affected by Opposition

Class 018. All goods and services in the class are opposed, namely: All-purpose athletic bags; all-purpose sports bags; attaché cases; backpacks; beach bags; beach umbrellas; belt pouches; billfolds; book bags; briefcases; business cases; business card cases; camping bags for use as luggage; canes; carry-on bags; coin purses; cosmetic cases sold empty; duffel bags; fanny packs; garment bags for travels; gym bags; handbags; key cases; knapsacks; leather key chains; luggage; luggage tags; men's clutches; purses; saddle bags; satchels; school bags; textile shopping bags; shoulder bags; sports bags; suitcases; toiletry bags sold empty; tool bags sold empty; tote bags; travel bags; trunks; umbrellas; waist packs; and wallets
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2578393	Application Date	08/03/2001
Registration Date	06/11/2002	Foreign Priority	NONE

		Date	
Word Mark	INKSLINGERS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1991/08/00 First Use In Commerce: 1991/08/00 TATTOOING, BODY PIERCING, AND BODY ART SERVICES, IN THE NATURE OF CREATING, SELECTING, AND APPLYING TATTOOS, TEMPORARY TATTOOS, AND OTHER BODY ART		

U.S. Registration No.	2668372	Application Date	08/03/2001
Registration Date	12/31/2002	Foreign Priority Date	NONE
Word Mark	INKSLINGERS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1992/08/00 First Use In Commerce: 1992/08/00 Tattooing, body piercing, and body art services in the nature of creating, selecting, and applying tattoos, temporary tattoos, and other body art		

U.S. Registration No.	3069617	Application Date	08/09/2001
Registration Date	03/21/2006	Foreign Priority Date	NONE
Word Mark	INKSLINGERS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 1997/01/00 First Use In Commerce: 1997/01/00 Necklaces, pins being jewelry, and body jewelry Class 025. First use: First Use: 1993/04/00 First Use In Commerce: 1993/04/00 Clothing and wearing apparel; namely, shirts, shorts, swimsuits, wristbands, polo shirts, jerseys, bowling shirts, jackets, leather jackets, vests, sweatshirts, t-shirts, gymwear, dress shirts, tank tops, thongs, jeans, headbands, bandanas, socks, underwear, and boxer shorts		

Attachments	76294431#TMSN.gif (1 page)(bytes) 76294982#TMSN.gif (1 page)(bytes) 76299151#TMSN.gif (1 page)(bytes) DOC023.PDF (6 pages)(161013 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/kristen l. pursley/
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Name	Kristen L. Pursley
Date	12/05/2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Inkslingers, Inc.,)	
a Michigan corporation,)	
)	Opposition No. _____
Opposer)	
-v-)	Serial No. 78/908,342
)	
Blue Moe Apparel Inc.,)	Mark: INKSLINGERS
A New York corporation,)	
)	Published: August 7, 2007
Applicant)	
_____)	

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Inkslingers, Inc. is a Michigan corporation having a principal place of business located at 22211 Gratiot in Eastpointe, Michigan 48021 (hereinafter "Opposer"), and hereby believes that it will be damaged by the registration of INKSLINGERS (the "Proposed Mark"), pursuant to the application of Blue Moe Apparel Inc.(hereinafter "Applicant") filed on June 14, 2006 under Section 1(b) of the Lanham Act and published in the *Official Gazette* on August 7, 2007 (hereinafter the "Application"), and hereby opposes said Application. Opposer submits that it previously filed, and was granted a ninety (90) day extension of time to oppose the Proposed Mark.

AS GROUNDS OF OPPOSITION, IT IS ALLEGED THAT:

1. Opposer, since prior to the effective filing date of the subject Application under Section 1(b) of the Act, has provided goods and services to the public throughout the United

States under its distinctive mark INKSLINGERS (hereinafter “the INKSLINGERS mark”).

Through its continuous use of the INKSLINGERS mark in interstate commerce since prior to the effective filing date of the subject Application under Section 1(b) of the Act, and by virtue of the tremendous success of the services provided under the INKSLINGERS mark, Opposer has developed extensive goodwill in the INKSLINGERS mark throughout the United States.

2. When used in connection with the sale and promotion of goods in at least the category of clothing, accessories and tattoo services, the INKSLINGERS mark is, and has come to be, identified in the minds of the public with Opposer. The INKSLINGERS mark therefore serves to distinguish Opposer as the source of goods and services provided under the mark, and serves to indicate the high quality and reputation of those goods and services provided by Opposer under the distinctive INKSLINGERS mark since a date prior to the effective filing date of the subject Application under Section 1(b) of the Act.

3. Opposer also has rights to U.S. Registration Nos. 2,578,393 (filed August 3, 2001); 2,668,372 (filed August 3, 2001); and 3,069,617 (filed August 9, 2001), filed under Section 1(a) of the Act, and citing dates of first use ranging from 1991 to 1997, all being dates prior to the effective filing date of the subject Application under Section 1(b) of the Act.

4. Opposer has also developed substantial common law trademark and service mark rights as well as rights analogous to trademark and service mark usage in the INKSLINGERS mark since long prior to Applicant's filing date under Section 1(b) of the Lanham Act.

5. Upon information and belief, Applicant seeks to register INKSLINGERS for use in connection with goods that are identical or closely related to the goods and services that Opposer uses and provides under the INKSLINGERS mark. Specifically, the subject Application recites the following goods: All-purpose athletic bags; all-purpose sports bags;

attaché cases; backpacks; beach bags; beach umbrellas; belt pouches; billfolds; book bags; briefcases; business cases; business card cases; camping bags for use as luggage; canes; carry-on bags; coin purses; cosmetic cases sold empty; duffel bags; fanny packs; garment bags for travels; gym bags; handbags; key cases; knapsacks; leather key chains; luggage; luggage tags; men's clutches; purses; saddle bags; satchels; school bags; textile shopping bags; shoulder bags; sports bags; suitcases; toiletry bags sold empty; tool bags sold empty; tote bags; travel bags; trunks; umbrellas; waist packs; and wallets in International Class 18.

Opposition Under Section 2(d) Of The Lanham Act

6. Upon information and belief, the Proposed Mark is nearly identical to Opposer's INKSLINGERS mark in appearance, sound, meaning, and commercial impression. Moreover, Applicant seeks to register the Proposed Mark for use in connection with goods that are identical or closely related to the goods and services with which Opposer has used the INKSLINGERS mark since prior to the filing date of Applicant under Section 1(b). Due to the identical nature of the published mark INKSLINGERS when compared to the Opposer's prior INKSLINGERS mark used in interstate commerce, and the similarity of the goods and/or services with which the marks are used or are intended to be used by Applicant, Applicant's proposed use of INKSLINGERS would create a strong likelihood of confusion, mistake, or deception in the minds of the relevant public as to the origin, source, or sponsorship of Applicant's goods within the meaning of Section 2(d) of the Lanham Act. Opposer would therefore be damaged by the issuance of any registration based on the Application and hereby opposes same.

7. Upon information and belief, if Applicant were permitted to use and register the Proposed Mark for the services specified in the Application, confusion would result by reason of the similarity of the Proposed Mark to Opposer's INKSLINGERS mark and the similarity


between Applicant's goods and Opposer's goods. Customers familiar with the goods and services with which Opposer uses the INKSLINGERS mark are likely to believe that Applicant's goods originate from or are sponsored, authorized, or otherwise approved by Opposer. Defects, faults, or failures associated with Applicant's goods are likely to reflect negatively upon, tarnish, and seriously injure the reputation which Opposer has long established for goods and services under its prior INKSLINGERS mark. This confusion is likely to result in loss of sales to and public confidence in Opposer and damage to its reputation.

8. For the foregoing reasons, the registration sought by the Applicant is contrary to the provisions of Section 2(d) of the Lanham Act and Opposer believes it would be damaged thereby. For purposes of this claim under Section 2(d), Opposer expressly relies upon and asserts both its rights in the INKSLINGERS mark, embodied in the '393, '372, and '617 Registrations, and its common law and analogous use rights in the INKSLINGERS mark which it has used in commerce since a date prior to the date of Applicant's application filed under Section 1(b) of the Lanham Act.

WHEREFORE, Opposer respectfully requests that registration of the mark shown in Application Serial No. 78/908,342 be refused and this Opposition be sustained.

This Notice of Opposition is submitted with the requisite \$300 filing fee corresponding to the one (1) class of goods in the above-identified application submitted in the check herewith.

Respectfully submitted,


Michael Jeziak
50080 Card Road
Macomb Township, MI 48044
Telephone: (586) 944-6221

Dated: December 5, 2007

PRESIDENT OF INKSLINGERS, INC.

